

United States District Court
DISTRICT OF DELAWARE

3

UNITED STATES OF AMERICA

v.

EDWARD ROE

REDACTED

Criminal Complaint

CASE NUMBER: 07-62M

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about 2005 through March 27, 2007 in New Castle County, in the District of Delaware, defendant committed the offense of knowingly receiving, distributing and possessing visual depictions of minors engaging in sexually explicit conduct, in violation of Title 18 United States Code, Section(s) 2252 and the offense of knowingly receiving, distributing and possessing child pornography, in violation of Title 18 United States Code, Section(s) 2252A.

I further state that I am a(n) Special Agent, United States Immigration and Customs Enforcement and that this
Official Title
complaint is based on the following facts:

See attached Affidavit

Continued on the attached sheet and made a part hereof: Yes



Signature of Complainant

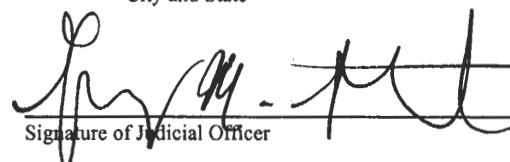
William O. Horn

Special Agent, United States Immigration and Customs Enforcement

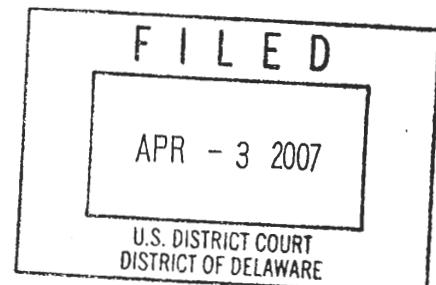
Sworn to before me and subscribed in my presence,

April 3, 2007 at Wilmington, DE
Date City and State

Honorable Gregory M. Sleet
United States District Judge
Name & Title of Judicial Officer



Signature of Judicial Officer



AFFIDAVIT

I, William O. Horn, being duly sworn, depose and say:

1. I am a Special Agent with the Immigration and Customs Enforcement ("ICE") branch of the United States Department of Homeland Security, located in Wilmington, Delaware. I have been employed as a Special Agent since October 1, 1997, when I was employed by the Immigration and Naturalization Service ("INS"). The Investigations branch of INS was transferred to the United States Department of Homeland Security as ICE in March 2003.
2. Pursuant to 18 U.S.C. § 2251 *et seq.*, I am authorized to investigate crimes involving the sexual exploitation of children. Sections 2252 and 2252A make it a federal crime for any person to knowingly receive, distribute or possess a visual depiction of a minor engaging in sexually explicit conduct, or to knowingly receive, distribute or possess "child pornography," which has been mailed or has been shipped or transported in interstate or foreign commerce, or which contains materials that have been mailed or so shipped or transported, by any means, including by computer.
3. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of "child pornography" (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media. I have received training from ICE regarding child pornography, the sexual abuse of children, the behavior of preferential child molesters, and how to conduct investigations of child sexual exploitation and obscenity. I have also participated in a number of investigations of persons suspected of violating federal child pornography laws, including Title 18 U.S.C. §§ 2251, 2252 and 2252A. Those investigations have related to persons who were involved in the distribution, receipt and possession of child pornography.
4. On August 5, 2005, a Federal Search Warrant (Number 05-SW-219) was issued by the Honorable Sandra M. Snyder, U.S. Magistrate Judge for the Eastern District of California, authorizing the search of the America Online stored e-mail account of [REDACTED]@aol.com (among others). The search warrant was served upon America Online on August 5, 2005, via Federal Express. America Online complied with the warrant and provided ICE Agents with computer compact discs (CDs) containing stored e-mail contents for the account of [REDACTED]@aol.com. Additionally, pursuant to the search warrant, America Online provided information showing that the AOL subscriber of screen name [REDACTED]@aol.com was Edward Roe, with a listed address of [REDACTED], Newark, DE 19702.
5. Review of the stored contents of the account of [REDACTED]@aol.com revealed multiple images meeting the statutory definition of child pornography, which were attached to e-mails sent to the [REDACTED]@aol.com address. Specifically, the images depicted prepubescent females engaging in sexual acts with adult males, a video recording depicting a prepubescent female engaging in a sexual act with an adult female and a prepubescent male engaging in a sexual act with a teen-aged male.

6. Additionally, on or about March 7, 2007, ICE Special Agent William Shields began communicating with Detective Chris Shanahan of the New Castle County Police Department, regarding Detective Shanahan's separate investigation of an individual using the e-mail address [REDACTED]@aol.com. Detective Shanahan advises that he has been in communication with and has read the police reports of Detective Dennis Pratl, of the Orland Park Police Department, in Orland Park, Illinois. Detective Pratl reported that as part of a child pornography investigation, he executed a search warrant in Orland Park, Illinois, on December 17, 2006, at the home of an Orland Park resident. The search of a computer seized from that Orland Park residence disclosed, after forensic examination, two e-mails, dated and received December 7 and 10, 2006, from [REDACTED]@aol.com, both e-mails having attachments which are images of child pornography. The Orland Park Police Department also determined, through information provided by America Online, that the [REDACTED]@aol.com e-mail address was registered to Edward Roe at [REDACTED], Newark, DE 19702. Detective Pratl contacted Detective Shanahan in Delaware and forwarded to him the above referenced two e-mails and child pornography attachments. Detective Shanahan advised your affiant that he viewed both e-mails and their attachments. Detective Shanahan advised that the attachments are both images of females approximating the age 9-12. The image transmitted on December 7, 2006, depicts the young girl in the lascivious exhibition of the genitals and pubic area. Detective Shanahan advises that the image transmitted December 10, 2006, depicts the young girl in a sex act with two adult men.

7. On March 27, 2007, ICE agents executed a Search Warrant issued by the United States District Court, District of Delaware at the residence of Edward Roe, located at [REDACTED] Newark, DE 19702. After being advised of his *Miranda* rights during the execution of the warrant, Mr. Roe stated that he lives in the home with his wife and other family members.

8. Pursuant to the terms of the Search Warrant, ICE Agents seized five personal computers and related peripherals and computer media from the [REDACTED] residence. Four of those computers, two of which were operational at the time, were seized from Mr. Roe's bedroom. Both Mr. Roe and his wife stated that Mr. Roe sleeps in this bedroom alone. Mr. Roe also stated that with regard to one of the two computers that was operational, a Compaq Presario Model SR 1230NX desktop computer, no other member of his household used the computer other than himself. He explained that this computer was password protected, which enabled him to be the only resident who could utilize the computer. Mr. Roe stated that the other family members who lived in the residence used a computer located in the living room when they wished to access a computer.

9. Mr. Roe also explained that the America Online e-mail accounts [REDACTED]@aol.com and [REDACTED]@aol.com belonged to him and that he was the only person in the home who used those accounts. He stated that all other members of the household have their own e-mail accounts. Mr. Roe also explained that he used the Compaq Presario Model SR 1230NX computer to utilize the e-mail accounts [REDACTED]@aol.com and [REDACTED]@aol.com. He said that he had received and distributed e-mails, using those two e-mail accounts, which contained attached images of child pornography. Mr. Roe said that when he received images of child pornography, he stored those images in various folders on the hard drive of the Compaq Presario Model SR 1230NX computer.

10. On April 2, 2007, Detective Shanahan performed a preliminary examination on one of the computer systems seized from the [REDACTED] residence on March 27, 2007 -- the Compaq

Presario Model SR1230NX. That analysis was conducted using the FBI's Image Scan program, Version 2.1. That analysis revealed the presence of hundreds of notable images of child pornography and of minors engaging in sexually explicit conduct on the hard disk drive of that computer. Those images all either included depictions of minors engaging in graphic sexual intercourse with persons of the same or opposite sex, or depictions of graphic or simulated lascivious exhibition of the genitals or pubic area of minors. The minors depicted in these images appear to range in age from as young as two years old to age 15 or 16. The other computer systems seized on March 27, 2007, aside from the Compaq Presario Model SR 1230NX, are pending analysis.

WHEREFORE, your affiant avers that there is probable cause to believe that Edward Roe knowingly received, distributed and possessed visual depictions of minors engaging in sexually explicit conduct and child pornography, in violation of 18 U.S.C. §§ 2252 and 2252A.



William O. Horn
Special Agent
U.S. Immigration & Customs Enforcement

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 3rd DAY
OF April, 2007.



THE HONORABLE GREGORY M. SLEET
UNITED STATES DISTRICT JUDGE